

Ordinance No: 15-20
Zoning Text Amendment No: 03-28
Concerning: Lots in R-200
Draft No. & Date: 1 – 10/28/03
Introduced: December 9, 2003
Public Hearing: January 13, 2004; 1:30 PM
Adopted: February 24, 2004
Effective: March 15, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- excluding certain lots in the R-200 zone from the established building requirement.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-5 “COMPLIANCE REQUIRED”
Section 59-A-5.33 “Established building line”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 03-28 was introduced on December 9, 2003 for the purpose of excluding certain lots in the R-200 zone from the established building requirement.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 03-28 be approved with a plain language modification.

The County Council held a public hearing on January 13, 2004 to receive testimony concerning ZTA 03-28. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on February 2, 2004 to review the amendment. It was the opinion of the Committee that the ZTA was needed to resolve a conflict that exists between the well and septic regulations and the Zoning Ordinance. Excluding properties in the R-200 zone served by a septic system from the established building line requirement will resolve a conflict between the well and septic regulations and the Zoning Ordinance. Where two or more houses are constructed on the same side of the street and the septic system is required by the well and septic regulations to be in the front yard, the houses must then be sited in the rear of the lot, establishing the building restriction line. If on the next lot the septic system is required to be in the rear yard, the house must be sited forward, at a house location that violates the established building line. The Committee recommended approval of ZTA 03-28, with revisions to clarify that any building excluded from the established building line must otherwise comply with the minimum setback of the zone and to include the plain language modification suggested by the Planning Board.

The District Council reviewed Zoning Text Amendment No. 03-28 at a worksession held on March 2, 2004, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-28 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-A-5 is amended as follows:

DIVISION 59-A-5. COMPLIANCE REQUIRED.

* * *

59-A-5.33. Established building line.

(a) [An] The established building line, [is] as defined in [Sec.] 59-A-2.1, [and] applies only in the R-60, R-90, R-150 and R-200 zones.

* * *

(c) The established building line is the minimum setback for the zone, unless more than 50 percent of the buildings [as defined] described in (b) [above] are set back greater than the minimum, in which case the average setback of all the buildings [as defined] described in (b) [above] excluding those buildings in the R-200 zone that are served by well or septic. is the established building line [[excluding those buildings in the R-200 zone that are served by well or septic]]. Any building excluded from the established building line restriction must comply with the minimum setback requirement of the zone.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council